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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DANIEL BRUTON,

Plaintiff(s),

v.

PRESTIGE TRAVEL, INC.,

Defendant(s).

2:11-CV-2047 JCM (CWH)

ORDER

Presently before the court is defendant Prestige Travel Inc.'s motion for summary judgment. (Doc. # 17). Plaintiff Daniel Bruton has responded (doc. # 19), and defendant replied (doc. # 22).

This motion is ripe for consideration; however, defendant has filed a notice of bankruptcy. (Doc. # 23). Thus, this action is subject to an automatic stay.

"When a debtor files a bankruptcy petition, an automatic stay immediately arises." *Hillis Motors, Inc., v. Hawaii Auto Dealers Ass'n*, 997 F.2d 581, 585 (9th Cir. 1993) (citing 11 U.S.C. section 362(a)). "The scope of the stay is quite broad. It is designed to effect an immediate freeze of the *status quo*" *Id.* (alteration in original).

"Congress intended to give debtors a breathing spell from their creditors and to stop all collection efforts, all harassment, and all foreclosure actions." *Delpit v. C.I.R.*, 18 F.3d 768, 771 (9th Cir. 1994) (citing legislative history). "The automatic stay allows debtors, during the period of the stay, to be relieved of the financial pressures that drove them into bankruptcy." *Id.* (internal citations and quotations omitted). "Accordingly, section 362 is extremely broad in scope and should apply to

1 almost any type of formal or informal action against the debtor or the property of the estate.” *Id.*

2 To determine whether defendant is entitled to summary judgment would require this court
3 to go to the merits of plaintiff’s claims against it, which is forbidden by the broad stay of a
4 bankruptcy petition. *See generally, Zvafler v. Casey*, no. 10-cv-1147, 2010 WL 5247895, at *1 (S.D.
5 Cal. Dec. 16, 2010) (denying without prejudice two motions for remand because of an automatic stay
6 when the defendant filed for bankruptcy).

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Prestige Travel
9 Inc.’s motion for summary judgment (doc. # 17) be, and same hereby, is DENIED without prejudice.
10 Defendant may re-file its motion for summary judgment once the bankruptcy stay has been lifted.

11 DATED January 15, 2013.

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14 **UNITED STATES DISTRICT JUDGE**